

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

BARBARA WELLS,)	
)	
Plaintiff,)	Case No. 3:08-cv-50241
vs.)	
)	District Judge Reinhard
AFFILIATED COMPUTER SERVICES, INC.)	
)	Magistrate Judge Mahoney
Defendant.)	
)	

DEFENDANT'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Defendant moves to dismiss the Plaintiff's Complaint in its entirety. The Defendant also moves that it be awarded, pursuant to the statute at issue (ERISA) and the parties' Agreement, the attorneys' fees it has incurred in defending this action. In support of this motion, the Defendant is submitting a memorandum.

WHEREFORE, the Defendant prays that this motion be granted, that the Plaintiff's Complaint be dismissed in its entirety, and that the Defendant be awarded reasonable attorneys' fees.

Respectfully submitted,

/s/ Benjamin H. Banta

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CERTIFICATE OF SERVICE

I certify that on February 19, 2009, I electronically filed the foregoing with the Clerk of Court
by using the CM/ECF system, which will send a notice of electronic filing to the following:

Mr. Matthew M. Litvak (litvakmatt@cs.com)

/s/ Benjamin H. Banta
Counsel for Defendant